

REMARKS

Prior to entry of this amendment, claims 1-52 are pending in the instant application. Claims 18, 20-23, 25-27, 46-49 and 52 have been canceled. Claims 53-67 have been added. Claims 2, 7, 9, 11, 30, 35, 37 and 50 have been withdrawn. Claims 1 and 28 are independent.

A. Restriction Requirement

In the outstanding Office action, the Examiner subjected claims 1-52 to a formal Restriction requirement. In particular, the Examiner considers the application to contain two separate and distinct inventions, directed to:

Invention I: Claims 1-27; drawn to an impedance measurement system, and

Invention II: Claims 28-52, drawn to an impedance measurement electrode.

The Examiner notes that Inventions I and II are related as combination I and subcombination II, and that the subcombination II does have a separate utility. By the present amendment, the independent subcombination claim 28 has been broadened so that all of the details presented in the subcombination claim are also in the combination claim. Therefore, it is respectfully submitted that there is no longer an evidence claim, and it is respectfully requested this restriction be withdrawn. In the absence of such withdrawal, the applicants hereby elect Invention I, drawn to the combination.

B. Election of Species

The Examiner has also made the following election requirement:

Species I, directed to Figures 1A-D;

Species II, directed to Figures 2A-D;

Species III, directed to the embodiment having electrodes with an oval structure as disclosed at page 18, lines 2-6 of the specification; and

Species IV, directed to Figures 3A-D.

In reviewing these species, it is respectfully submitted that Species I can be characterized as having a concentric structure, Species II can be characterized as having opposing angular structures, Species III can be characterized as having opposing curved structures, and Species IV can be characterized as having opposing linear structure.

The claims have been revised to condense the common features of these species. The applicants hereby elect Species II. It is respectfully submitted that claims 1, 12-17, 19,

24, 28, 29, 41-45, 51, 53, 60 and 61 are generic to all of the species, claims 54 and 62 are generic to Species II-IV, claims 4, 6, 8, 10, 32, 34, 36, 38-40, 55-59 and 63-67 are generic to Species II and III, and claims 3, 5, 31 and 33 are specific to Species II. Therefore, it is respectfully submitted that all of these claims read on Species II, and the remaining pending claims, viz. claims 2, 7, 9, 11, 30, 35, 37 and 50, have been withdrawn. In the event a generic claim is found to be allowable, it is respectfully requested that all claims depending therefrom be rejoined.


C. Conclusion

Thus, Species II, Invention I has been elected. If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

Receipt of the initial Office action on the merits is awaited.

Respectfully submitted,

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645